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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE BOARD OF TRUSTEES OF THE  
OPERATING ENGINEERS PENSION  
TRUST, on Behalf of Itself and All Others  
Similarly Situated,

Plaintiffs,

VS.

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

Defendant.

Civil Action No. 09-cv-09333-KBF

## CLASS ACTION

~~[PROPOSED]~~ ORDER AWARDING  
ATTORNEYS' FEES, EXPENSES AND  
CASE CONTRIBUTION AWARD TO LEAD  
PLAINTIFF

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: NOV 20 2013

This matter having come before the Court on November 19, 2013, on the motion of Lead Counsel for an award of attorneys' fees and expenses in the litigation, and a case contribution award to Lead Plaintiff, the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this Action to be fair, reasonable and adequate, and otherwise being fully informed in the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation of Settlement dated August 16, 2013 and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Stipulation.

2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.

3. The Court hereby awards Lead Counsel attorneys' fees of 30% of the Settlement Fund, plus expenses in the amount of \$477,024.53, together with the interest earned on both amounts for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method.

4. The fees and expenses shall be allocated among Plaintiff's Counsel in a manner which, in Lead Counsel's good-faith judgment, reflects each such counsel's contribution to the institution, prosecution, and resolution of the litigation.

5. The awarded attorneys' fees and expenses and interest earned thereon, shall immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the

Stipulation, and in particular ¶22 thereof, which terms, conditions, and obligations are incorporated herein.

6. The Court hereby awards Lead Plaintiff Board of Trustees of the Operating Engineers Pension Trust \$25,000 for its time and expense in representing the Class. This case contribution award shall be paid to Lead Plaintiff on or after the Effective Date, subject to the terms, conditions, and obligations of the Stipulation, and in particular ¶23 thereof, which terms, conditions and obligations are incorporated herein.

IT IS SO ORDERED.

DATED: 11/19/13

  
\_\_\_\_\_  
THE HONORABLE KATHERINE B. FORREST  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2013, I submitted the foregoing to [judgments@nysd.uscourts.gov](mailto:judgments@nysd.uscourts.gov) and e-mailed to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 12, 2013.

s/ Stephen R. Astley

STEPHEN R. ASTLEY

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